

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. C 14-01781 WHA

v.

1.41 ACRES OF LAND, more or less,
situated in the City of Alameda, Alameda
County, State of California, and THE
STATE OF CALIFORNIA, acting by and
through its Department of Parks and
Recreation, and the EAST BAY
REGIONAL PARK DISTRICT,

Defendants.

**ORDER DENYING REQUEST
OF THE UNITED STATES FOR
AN ADVISORY OPINION**

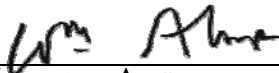
The United States has filed a “Motion for a Finding that the Conveyance of a Street Use and Parking Easement to Defendant State of California, its Successors and Assigns, is the Reasonably Necessary Substitute Facility” (Dkt. No. 126). A previous order denied a motion for summary judgment that only nominal compensation was due, as the United States failed to reserve parking rights to defendants in its condemnation of McKay Avenue (Dkt. No. 113). The United States has proposed to convey a non-exclusive easement to defendant the State of California, and its successors and assigns, for street purposes and for parking. The easement has not been executed or recorded.

With this motion, the United States seeks an advisory opinion that the grant of this easement is adequate compensation. Such an advisory opinion would be improper, and for that

1 reason, the motion of the United States is **DENIED**. The portion of the hearing scheduled for
2 **WEDNESDAY, SEPTEMBER 30 AT 2:00 P.M.** pertaining to this motion is hereby **VACATED**.

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4 **IT IS SO ORDERED.**

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6 Dated: September 28, 2015.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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